

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Diane Thayse and Baby Thayse,

Civil 09-2034 MJD/FLN

Plaintiffs,

v.

O R D E R

Jon Bilander, Park Nicollet Clinic's,
et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated September 2, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff Diane Thayse's "Application to Proceed Without Prepayment of Fees," [#2] is DENIED; and
2. This action is summarily DISMISSED for lack of jurisdiction, pursuant to Fed.R.Civ.P. 12(h)(3).

DATED: September 28, 2009.
at Minneapolis, Minnesota

s/Michael J. Davis
MICHAEL J. DAVIS
Chief Judge
United States District Court